



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU APPROVES THE BASIC RECONFIGURATION SCHEDULE PUT FORTH IN THE TRANSITION ADMINISTRATOR'S 800 MHZ REGIONAL PRIORITIZATION PLAN

WT Docket No. 02-55

In July, 2004, the Federal Communications Commission (Commission) adopted a *Report and Order* in the 800 MHz Public Safety Proceeding¹ establishing rules that reconfigure the 800 MHz band to eliminate interference to public safety and other 800 MHz land mobile communication systems. As specified in the Commission's *Report and Order*, the band reconfiguration process is being overseen by a Transition Administrator (TA)² whose duties include providing the Commission with a plan detailing when band reconfiguration will commence in each of the fifty-five 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) regions.³ On January 31, 2005,⁴ the TA filed the plan (Regional Prioritization Plan or RPP),⁵ containing a general schedule for implementing 800 MHz band reconfiguration. The TA plan assigns each of the fifty-five NPSPAC regions to one of four basic "prioritization waves" with staggered approximate starting dates. Under the RPP, the first wave

¹ See Improving Public Safety Communications in the 800 MHz Band, *Report and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969 (2004) (*Report and Order*). See also *Supplemental Order and Order on Reconsideration*, WT Docket No. 02-55, 19 FCC Rcd 25120 (2004) (*Supplemental Order*).

² The Transition Administrator was recommended by a search committee made up of representatives of the five major stakeholders in the 800 MHz band, Nextel Communications, Inc. (Nextel), the Association of Public Safety Communications Officials-International (APCO), the Industrial Telecommunications Association (ITA), Southern LINC and the United Telecom Council (UTC). See *Report and Order*, 19 FCC Rcd at 15070-75 ¶¶ 190-200. The Commission concurred in the search committee's recommendation that the Transition Administrator be comprised of a three-organization team made up of BearingPoint, Squire-Sanders-Dempsey LLP, and Baseline Telecom, Inc. (BearingPoint Team). See Wireless Telecommunications Bureau Concurs with Search Committee Selection of a Transition Administrator, *Public Notice*, DA 04-3492, released October 29, 2004. For additional information on the TA see its web page – www.800ta.org.

³ The TA also was required to report the relocation option chosen by each non-Nextel ESMR licensee. See *Report and Order*, 19 FCC Rcd at 15075-76 ¶ 201. See also 47 C.F.R. § 90.677.

⁴ The original November 29, 2004 filing date was extended to January 31, 2005. See Improving Public Safety Communications in the 800 MHz Band, *Order*, DA 04-3676, released November 24, 2004.

⁵ The filing included the relocation options chosen by non-Nextel ESMR licensees. See Regional Prioritization Plan of the 800 MHz Transition Administrator, WT Docket No. 02-55, filed January 31, 2005. The TA later amended the RPP to specify a date certain for commencement of Wave 4. See letter dated February 18, 2005, from Robert B. Kelly, Squire, Sanders & Dempsey to Michael Wilhelm Chief, Public Safety and Critical Infrastructure Division (TA Letter).

commences on June 27, 2005, (Wave 1), the second wave on October 3, 2005 (Wave 2), the third wave on January 3, 2006 (Wave 3) and the fourth wave on April 3, 2006 (Wave 4). The reconfiguration process for each wave begins with negotiations between affected licensees and Nextel for payment of relocation costs. Licensees may negotiate with Nextel directly or use the TA as an intermediary. There are separate six-month negotiation periods for non-NPSPAC and NPSPAC licensees.⁶ Consistent with the Commission's *Report and Order*, the first three months of the negotiation period are voluntary, the last three months mandatory. Band reconfiguration will be completed within thirty-six months of the date on which official band reconfiguration commences, as required by the Commission's *Report and Order*.

By this *Public Notice*, and as specified in the *Report and Order*,⁷ we approve the RPP's basic 800 MHz band reconfiguration schedule, *i.e.*, the grouping of the NPSPAC regions into four waves and starting the reconfiguration process in each wave on the dates recommended by the TA.⁸ We believe this schedule comports with the population and interference-history considerations identified in the *Report and Order*.⁹ We also concur with the Transition Administrator's recommendation for separate negotiation periods for NPSPAC and non-NPSPAC licensees in each wave.

The Commission will release Public Notices establishing the start date for commencement of negotiations in each wave. These Public Notices will be released thirty days prior to the start dates. However, licensees may initiate negotiations before the start date, and we encourage them to do so, especially in the case of complex systems such as those that span more than one NPSPAC region.

The Reconfiguration Plan filed by the TA is available on the Commission's 800 MHz band reconfiguration web page at <http://www.800MHz.gov>. A summary of the schedule is attached to this *Public Notice*. Questions concerning the RPP, and other Transition Administrator matters, including whether your 800 MHz system must be relocated, should be directed to Brett Haan, BearingPoint, 1676 International Drive, McLean, VA 22102, Brett.Haan@800ta.org. For additional information on 800 MHz band reconfiguration issues, generally, please contact Roberto Mussenden, Esq., Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, at (202) 418-0680, TTY (202) 418-7233, or via e-mail to Robert.Mussenden@fcc.gov.

Action by the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

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⁶ NPSPAC licensees currently operate in the band segment 821-824 MHz/866-869 MHz and all will be relocated to the band segment 806-809 MHz/851-854 MHz.

⁷ The Commission delegated authority to the Chief, Public Safety and Critical Infrastructure Division of the Wireless Telecommunications Bureau to approve this plan. *See Report and Order*, 19 FCC Rcd at 15075-76 ¶ 201.

⁸ The Commission noted that the Transition Administrator is afforded some flexibility in the timing of band reconfiguration, *e.g.*, to accommodate agreements with border countries. We acknowledge that the start date for implementing reconfiguration in the regions in Wave 4 could be delayed pending conclusion of negotiations between the United States and Canada and Mexico. *See Report and Order*, 19 FCC Rcd at 15061 ¶¶ 175-176. *See also, Supplemental Order* ¶ 72.

⁹ *See Report and Order*, 19 FCC Rcd at 15072 ¶ 195.

Appendix

800 MHz Band Reconfiguration Implementation Schedule

| NPSAC Region | Description of Region ¹ | Wave | Approximate Start Date for Each Wave ² |
|--------------|---|------|---|
| 1 | Alabama | 3 | 1/3/06 |
| 2 | Alaska | 4 | 4/3/06 ³ |
| 3 | Arizona | 4 | 4/3/06 ³ |
| 4 | Arkansas | 2 | 10/3/05 |
| 5 | California (Southern) | 4 | 4/3/06 ³ |
| 6 | California (Northern) | 1 | 6/27/05 |
| 7 | Colorado | 1 | 6/27/05 |
| 8 | NY City area (NY, NJ, & CT) | 1 | 6/27/05 |
| 9 | Florida | 3 | 1/3/06 |
| 10 | Georgia | 3 | 1/3/06 |
| 11 | Hawaii | 1 | 6/27/05 |
| 12 | Idaho | 2 | 10/3/05 |
| 13 | Illinois (except Southern Lake Michigan counties) | 1 | 6/27/05 |
| 14 | Indiana (except Southern Lake Michigan counties) | 1 | 6/27/05 |
| 15 | Iowa | 2 | 10/3/05 |
| 16 | Kansas | 2 | 10/3/05 |
| 17 | Kentucky | 2 | 10/3/05 |
| 18 | Louisiana | 2 | 10/3/05 |
| 19 | New England | 1 | 6/27/05 |
| 20 | Maryland, Northern VA & DC | 1 | 6/27/05 |
| 21 | Michigan | 4 | 4/3/06 ³ |
| 22 | Minnesota | 2 | 10/3/05 |
| 23 | Mississippi | 3 | 1/3/06 |
| 24 | Missouri | 2 | 10/3/05 |
| 25 | Montana | 2 | 10/3/05 |
| 26 | Nebraska | 2 | 10/3/05 |
| 27 | Nevada | 1 | 6/27/05 |
| 28 | Eastern PA, DE & Southern NJ | 1 | 6/27/05 |
| 29 | New Mexico | 4 | 4/3/06 ³ |
| 30 | Eastern Upstate NY | 4 | 4/3/06 ³ |
| 31 | North Carolina | 3 | 1/3/06 |
| 32 | North Dakota | 2 | 10/3/05 |
| 33 | Ohio | 4 | 4/3/06 ³ |
| 34 | Oklahoma | 2 | 10/3/05 |
| 35 | Oregon | 1 | 6/27/05 |
| 36 | Western PA | 4 | 4/3/06 ³ |
| 37 | South Carolina | 3 | 1/3/06 |
| 38 | South Dakota | 2 | 10/3/05 |
| 39 | Tennessee | 2 | 10/3/05 |
| 40 | Texas (Central & Northeast) | 2 | 10/3/05 |
| 41 | Utah | 1 | 6/27/05 |

| | | | |
|----|---|---|--|
| 42 | Virginia | 1 | 6/27/05 |
| 43 | Washington | 4 | 4/3/06 ³ |
| 44 | West Virginia | 2 | 10/3/05 |
| 45 | Wisconsin (except Southern Lake Michigan counties) | 1 | 6/27/05 |
| 46 | Wyoming | 2 | 10/3/05 |
| 47 | Puerto Rico | 2 | 10/3/05 |
| 48 | US Virgin Islands | 2 | 10/3/05 |
| 49 | Texas (Central – Austin area) | 2 | 10/3/05 |
| 50 | Texas (West & Central – Midland area) | 4 | 4/3/06 ³ |
| 51 | Texas (East – Houston area) | 2 | 10/3/05 |
| 52 | Texas (Panhandle, High Plains & Northwest - Lubbock Area) | 2 | 10/3/05 |
| 53 | Texas (Southern – San Antonio area) | 4 | 4/3/06 ³ |
| 54 | Southern Lake Michigan (MI, WI, IL, & IN) | 1 [The counties in MI will be in Wave 4 because of border area issues.] | 6/27/05 [4/3/06 for Wave 4 systems ³] |
| 55 | Western Upstate NY | 4 | 4/3/06 ³ |
| | | | |
| * | Large non-public safety systems that cover multiple NPSPAC regions assigned to different waves. | Reconfiguration will begin in conjunction with regions in the first wave in which the licensee has a system to be reconfigured. | |

¹ Regions that are only a portion of a state or states are defined by counties. A list of the counties in each of these regions can be found in WT Docket 96-86, First R&O, 3rd NPRM, Appendix D. See <http://www.fcc.gov/Bureaus/Wireless/Orders/1998/fcc98191.txt>.

² The Commission will release a Public Notice (*Starter PN*) announcing the start date for the reconfiguration process to begin for the multiple regions in each wave. That Public Notice will be released thirty days prior to the “official” start date. However, parties may start negotiating prior to the “official” start of the six-month negotiation period.

³ The date for the reconfiguration process to start in regions associated with Wave 4 may be adjusted depending upon when 800 MHz band agreements are finalized with Canada and Mexico.